

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of )

Request for Waiver )

**Form 470 requirements re: *Voluntary Contract*** )  
***Extension Designation*** )

CALIFORNIA STATE E-RATE COORDINATOR )  
RE BEN #16025374 )

CC Docket No. 96-45

Schools and Libraries Universal Service )  
Support Mechanism )

CC Docket No. 02-6

The California State Department of Technology Services (DTS) issued an RFP soliciting a Statewide Master Contract (SMC) for telecommunications services available for use by State agencies and local governmental agencies throughout California in 2005. At the time the RFP was issued, an FCC Form 470 was posted in accordance with the appropriate CFRs and various subsequent amendments and codifications, in an effort to assist any schools or libraries throughout the State obtain E-Rate discounts for eligible services procured as a result of the RFP process. According to the Form 470 instructions at the time the Form 470 was submitted and certified, there were 'boxes' that needed to be checked in Block 2, Item #7 in an effort to 'describe' what type of contract or contracts may result from the posting and any associated procurement process. The options were a "multi-year contract" and/or a "contract featuring voluntary extensions". DTS checked only one of the boxes; the one indicating "multi-year contract".

**Form 470 Application Number: 267290000544188**

**Applicant's Form Identifier:**

**Application Status: CERTIFIED**

**Posting Date: 09/15/2005**

**Allowable Contract Date: 10/13/2005**

**Certification Received Date: 09/16/2005**

**Block 2: Summary Description of Needs or Services Requested**

**7 This Form 470 describes (check all that apply):**

a. ☐ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.

b. ☒ Services for which a new written contract is sought for the funding year in Item 2.

Check if you are seeking

☒ a multi-year contract and/or

☐ a contract featuring voluntary extensions

c. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

The RFP that was issued clearly stated there was intent to award a contract for an initial period with an option to extend the contract at DTS' discretion. The contract awarded as a result of the RFP was in January 2007 for an initial term of five years, with two one year extension options that could be exercised, if necessary. (Note: The extensions have been granted, see attached documents)

The problem we are now faced with is that the initial term of the multi-year contract that was awarded as part of the original procurement (and Form 470 # 267290000544188) is expiring on January 29, 2012 which is mid E-Rate year 2011/2012 (E-Rate Year 14) and without a waiver of the requirement that the applicant must have 'checked the box' on the Form 470, there are approximately 1,000 school districts alone throughout the State that will have to post NEW Form 470 applications as part of the E-Rate process for 2011/2012 in order to remain compliant with continuing on the SMC for any period beyond January 29, 2012. This number does not include any libraries that may be using the SMC as well.

The additional burden this places on the applicants throughout the State, USAC and ultimately, the Commission itself seems unnecessary; particularly in light of the proposed Form 470 application changes that are currently pending in which the 'check box' system is no longer a requirement. More importantly, the original RFP document clearly indicated the intent of the agency to award a contract with extension options and all potential respondents to the RFP (and Form 470) were aware of this possibility and were able to factor it in to their ultimate offering. The fact that the box was not checked had no bearing on the competitive process and at this point

is nothing more than an administrative oversight that in our opinion constitutes a simple clerical error.

It is for the reasons noted above that we are requesting a waiver of the Commission's requirement that the establishing Form 470 for a multi-year contract featuring voluntary extensions must have the 'check box' checked in order to allow the Form 470 to be valid through the termination of all extensions associated with the original contract. We feel it would be in the best interest of all affected applicants to waive this requirement in the most expeditious manner possible as we are quickly coming upon the active window for Funding Year 2011/2012 and would like to issue clear guidance on this matter to applicants throughout the State as part of our annual Fall applicant training.

We sincerely appreciate your time, attention and consideration in this matter.

Regards,



Russ Selken

Russ Selken  
CDE E-rate/K12 HSN  
Butte COE  
PH#: 530-532-5678

## OFFICE OF TECHNOLOGY SERVICES

P.O. BOX 1810

RANCHO CORDOVA, CA 95741-1810

(916) 739-7973 (Office)

(916) 657-9129 (Fax)



August 31, 2010

Mr. Joseph F. Foster  
CALNET Program Manager, AT&T

Dear Mr. Foster:

**MEMORANDUM OF UNDERSTANDING**

Subject: The State intends to invoke its options to extend CALNET 2 - MSA 1

This letter serves as notification to the Contractor SBC Global Services, Inc. dba AT&T Global Services on behalf of Pacific Bell Telephone Company dba AT&T California, that In Accordance with the provisions of the Standard Agreement (STD.213) dated January 30, 2007, the CALNET 2 MSA 1 Contract, Agreement Number 5-06-58-20 (DTS 06E1390), is for a five-year term and expires January 29, 2012. The CALNET 2 Contract also has a provision for two (2) - one-year extensions. These extensions are being invoked by the State at this time as follows;

- Option for one (1) year will extend CALNET 2 and shall commence January 30, 2012, and will expire January 29, 2013.
- Option for one (1) year will extend CALNET 2 and shall commence January 30, 2013, and will expire January 29, 2014.

These extensions will be concurrent.

Please contact Scott M. Murray Sr., Manager Contracts Management Branch at (916) 657-9271 if you have any questions regarding this action.

A handwritten signature in black ink, appearing to read "Steve Rushing".

Steve Rushing, Deputy Director  
Office of the State Chief Information Officer, Office of Technology Services  
Statewide Telecommunications and Network Division

SR:SM:bh

**OFFICE OF TECHNOLOGY SERVICES**

P.O. BOX 1810

RANCHO CORDOVA, CA 95741-1810

(916) 739-7973 (Office)

(916) 657-9129 (Fax)



August 31, 2010

Mr. Joseph F. Foster  
CALNET Program Manager, AT&T

Dear Mr. Foster:

**MEMORANDUM OF UNDERSTANDING**

Subject: The State intends to invoke its options to extend CALNET 2 - MSA 2

This letter serves as notification to the Contractor SBC Global Services, Inc. dba AT&T Global Services on behalf of Pacific Bell Telephone Company dba AT&T California, that In Accordance with the provisions of the Standard Agreement (STD.213) dated January 30, 2007, the CALNET 2 MSA 2 Contract, Agreement Number 5-06-58-21 (DTS 06E1391), is for a five-year term and expires January 29, 2012. The CALNET 2 Contract also has a provision for two (2) - one-year extensions. These extensions are being invoked by the State at this time as follows;

- Option for one (1) year will extend CALNET 2 and shall commence January 30, 2012, and will expire January 29, 2013.
- Option for one (1) year will extend CALNET 2 and shall commence January 30, 2013, and will expire January 29, 2014.

These extensions will be concurrent.

Please contact Scott M. Murray Sr., Manager Contracts Management Branch at (916) 657-9271 if you have any questions regarding this action.

A handwritten signature in black ink that reads "Steve Rushing".

Steve Rushing, Deputy Director  
Office of the State Chief Information Officer, Office of Technology Services  
Statewide Telecommunications and Network Division

SR:SM:bh